

**MINUTES OF THE
JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE INTERIM COMMITTEE**
Wednesday, June 15, 2011 – 2:00 p.m. – Room 30 House Building

Members Present:

Sen. Mark B. Madsen, Senate Chair
Rep. Kay L. McIff, House Cochair
Rep. Curtis Oda, House Cochair
Sen. Lyle W. Hillyard
Sen. Daniel R. Liljenquist
Sen. Luz Robles
Sen. Ross I Romero
Sen. Stephen H. Urquhart
Pres. Michael G. Waddoups
Rep. Patrice M. Arent
Rep. Derek E. Brown
Rep. LaVar Christensen
Rep. Fred C. Cox
Rep. Steve Eliason
Rep. Richard A. Greenwood
Rep. Christopher N. Herrod

Rep. Don L. Ipson
Rep. Ken Ivory
Rep. Brian S. King
Rep. Lee B. Perry
Rep. Paul Ray
Rep. Jennifer M. Seelig
Rep. R. Curt Webb
Rep. Mark A. Wheatley

Staff Present:

Mr. Nathan W. Brady, Policy Analyst
Mr. Stewart E. Smith, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair McIff called the meeting to order at 2:20 p.m. He noted Mr. Stewart Smith is retiring soon and thanked Mr. Smith for his many years of service. He introduced Mr. Nathan Brady, who will be taking Mr. Smith's position as Policy Analyst. Mr. Brady briefed the Committee on his background and experience.

MOTION: Rep. Ipson moved to approve the minutes of the May 18, 2011 meeting. The motion passed unanimously. Sen. Robles, Pres. Waddoups, Rep. Arent, Rep. Brown, Rep. Herrod, Rep. Ray, and Rep. Seelig were absent for the vote.

2. Department of Corrections – Issues and Agency Update

Mr. Thomas Patterson, Executive Director, Utah Department of Corrections (UDC), explained that UDC has been able to receive funding for jail contracting and to keep the Drug Offender Reform Act program going on a modified basis along the Wasatch Front. He pointed out that the current inmate growth rate is 144 inmates per year. He said UDC will need to come back next session to request additional funding for inmate growth, the capital facility operable expense in 2015, and ongoing funding for the parole violator center.

Ms. Robin Williams, UDC, discussed the internal law enforcement bureau within the UDC, which addresses as one of its primary functions deterring the flow of drugs into the prison. She stated it is an ongoing battle and they continually look for ways to improve security.

3. Reducing Recidivism in Utah Prisons

Mr. Patterson referred to the USA Today article, *Study: Prisons failing to deter repeat criminals in 41 states*, which was included in the mailing packet. He indicated that UDC is systematically conducting ongoing reviews and evaluations of each of the programs provided to inmates, probationers, and parolees. He discussed the treatment service areas that must be expanded in order to reduce recidivism and help offenders succeed. Mr. Patterson responded to questions from the Committee.

Ms. Williams discussed moral reconnection therapy, which is a cognitive behavioral program where the offenders have the opportunity to function as a group and look at the various issues they face and discuss them. She said the group is designed for members to help one another.

Mr. Steven Roe, Paralegal Alternatives LLC, distributed information that included a personal summary of how he prevented his own recidivism. The information also addressed the effective and noneffective programs at the Beaver County Correctional Facility.

4. Sex Offender Registry Amendments

Rep. Draxler discussed 2011 General Session 1st Substitute H.B. 389, "Offender Registry Review," which was included in the mailing packet. He explained that the bill allows a person on the Sex Offender and Kidnap Offender Registry to petition the court for removal from the registry after five years for certain offenses. He requested input from the Committee to help gain broadened support for the legislation.

Dr. Kim Openshaw, Utah State University, distributed and discussed "A Diagnostic Paradigm: Beyond the DSM IV." He said it is important to move from a best practice philosophy to guide the decision making process. He stressed the need to be able to differentiate individuals and categorize them by risk.

Ms. Janice Saunders, private citizen, stated there are many young people who are sexually active who have undiagnosed or untreated mental health issues. She stressed the need to protect young men as well as young women.

5. Prison Emergency Release

Rep. Hutchings discussed 2012 General Session draft legislation, "Department of Corrections Amendments" (2012 FL-0101/001), which was distributed to the Committee. He explained that the legislation addresses inmate capacity and provides a process for an emergency inmate release.

Ms. Jacey Skinner, Director, Utah Sentencing Commission, said that although they manage the present population very well, it became apparent that the statute needed to be changed to allow some flexibility to manage inmate capacity in a responsible way.

Some members of the Committee expressed concern with the use of the word "emergency."

MOTION: Rep. Greenwood moved to adopt as a committee bill 2012 General Session draft legislation, "Department of Corrections Amendments," with the possibility of language modification to address the word "emergency." The motion passed unanimously. Sen. Romero was absent for the vote.

The Committee returned to the discussion of agenda Item 4.

Rep. Cox distributed and discussed 2012 General Session draft legislation, "Kidnapping Offender Amendments" (2012FL-0065/003), which was distributed to the Committee. He explained that the bill provides a judicial process by which a kidnap offender under Section 76-5-301 may petition the court for removal from the registry. Rep. Cox responded to questions from the Committee.

Ms. Allred addressed concerns that were raised regarding how the legislation would affect the Adam Walsh Act. She said the provisions of the proposed bill are not in compliance with the act's stringent requirements for the number of years that an offender must report based on the nature of the offense. She also indicated that there are very few, if any, states that are considered to be in complete compliance with the act.

Ms. Saunders discussed the difficulty people on the registry face in obtaining employment. She stated that individuals need to be given a second chance if they are not a risk to society.

Rep. Cox asked that the legislation be considered in a future meeting to allow the Committee time to review the proposed changes.

MOTION: Rep. Ray moved to go to the next item on the agenda. The motion passed unanimously. Sen. Liljenquist, Sen. Urquhart, Rep. Brown, Rep. Ipson, Rep. Perry, Rep. Seelig, and Rep. Webb were absent for the vote.

6. Involuntary Civil Commitment

This item was not discussed.

7. Released Prisoner Identification

Sen. Madsen explained that there are many inmates leaving incarceration without having basic identifying documentation. He said this poses many difficulties for them to reacclimate to life outside of prison.

Mr. Matt Minkevitch, The Road Home, said that on any given day there are 1-2 individuals just released from incarceration who are in need of identification. He asked that the Legislature consider helping individuals at the point of discharge.

Mr. Tim Foley, The Road Home, said these individuals are native-born Utahns being released without any Utah identification, which hampers their ability to seek employment. He said The Road Home is seeking legislative assistance to help resolve the problem.

Rep. Eliason expressed a conflict of interest as a past president of The Road Home. He said he would be interested in considering legislation to help an organization that is providing a great community benefit at low cost.

MOTION: Rep. Greenwood moved to place this item on the next meeting's agenda and to direct Sen. Madsen to communicate with The Road Home, the UDC, and the Driver License Division to determine whether legislation should be developed or a change in rulemaking is in order. The parties involved will be given 30 days to review the issue and report back to the Committee. The motion passed unanimously. Sen. Liljenquist, Sen. Robles, Sen. Urquhart, Rep. Brown, Rep. Ipson, Rep. Ivory, Rep. Perry, Rep. Seelig, and Rep. Webb were absent for the vote.

8. Other Business / Adjourn

MOTION: Rep. McIff moved to propose a commendation for 36 years of faithful and professional service rendered to the Legislature by Mr. Stewart Smith. The motion passed unanimously. Sen. Liljenquist, Sen. Robles, Sen. Urquhart, Rep. Brown, Rep. Ipson, Rep. Ivory, Rep. Perry, Rep. Seelig, and Rep. Webb were absent for the vote.

MOTION: Sen. Waddoups moved to adjourn. The motion passed unanimously. Sen. Liljenquist, Sen. Robles, Sen. Urquhart, Rep. Brown, Rep. Ipson, Rep. Ivory, Rep. Perry, Rep. Seelig, and Rep. Webb were absent for the vote.

Chair McIff adjourned the meeting at 4:55 p.m.